



May 8, 2009
Via Overnight Delivery

Received & Inspected

MAY 11 2009

FCC Mail Room

Ms. Marlene H. Dortch, FCC Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, Maryland 20743

2600 Maitland Center Pkwy.

Suite 300

Maitland, FL 32751

P.O. Drawer 200

Winter Park, FL

32750-0200

Tel: 407-740-8575

Fax: 407-740-0613

www.tminc.com

Attention: Office of the Secretary

RE: CC Docket No. 00-257
Notification of Transfer of Certain Local and Long Distance Service Customers from Cleartel Telecommunications, Inc., IDS Telecom Corp., nii communications, ltd., NOW Communications, Inc., Supra Telecommunications and Information Systems, Inc., and Telecon Communications Corporation to Birch Communications, Inc.

Dear Ms. Dortch:

Pursuant to CC Docket No. 00-257 and in accordance with Section 64.1120(e)(1) of the Commission's rules, the original and four copies of this notification is submitted on behalf of Birch Communications, Inc. who hereby notifies the Commission that it has entered into an Asset Purchase Agreement with Cleartel Communications, Inc. and certain of its subsidiaries, including Cleartel Telecommunications, Inc., IDS Telecom Corp., nii communications, ltd., NOW Communications, Inc., Supra Telecommunications and Information Systems, Inc., and Telecon Communications Corporation ("Cleartel"), whereby the Birch subsidiaries will generally acquire Cleartel's residential and business local and long distance, prepaid and payphone customers in twenty-two states, Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin. Following the transaction, these customers will be served by the Birch operating company in each state. The transfer of the customer base will take place on or after July 1, 2009.

Birch hereby certifies that it has complied with the advance subscriber notification requirements set forth in Section 64.1120(e)(3) of the Commission's rules, with the obligations specified in that notice and with Commission requirements that apply to this streamlined process. Customer notice will be mailed to approximately 60,400 affected subscribers on or after June 1, 2009, each being sent thirty or more days in advance of the projected transfer date for their particular state. Sample copies of the notices are enclosed as Attachment A.

Please date stamp the receipt copy and return it in the self addressed, stamped envelope provided. Questions regarding this filing may be directed to the undersigned at (407) 740-3006 or via e-mail at croesel@tminc.com.

Sincerely,

Carey Roessel
Technologies Management, Inc.

Enclosures

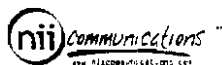
Cc: Brett Ferencsak, for Cleartel
Sharyl D Fowler, Birch
File: Birch - FCC

No. of Copies Held 044
LISTA B O D E

BIRCH COMMUNICATIONS, INC.
CLEARTEL TELECOMMUNICATIONS

Attachment A

Customer Notices



DATE

Customers Name
Customers Address
City, State, Zipcode

IMPORTANT NOTICE REGARDING A CHANGE IN YOUR TELECOMMUNICATIONS SERVICES

Dear _____

Birch Communications (Birch) and Cleartel Communications, Inc. (CCI) are pleased to announce that Birch will acquire the business, residential and payphone customers of CCI and its subsidiaries, including **[State-Specific Entities:]** Cleartel Telecommunications, Inc. (CTI), nii communications, Ltd. (nii), Now Communications, Inc. (NOW), and Telecon Communications Corporation (Telecon). Subject to approval by the Federal Communications Commission and state regulators, Birch will replace CCI, CTI, nii, NOW, or Telecon (collectively, Cleartel) as your current telecommunications service provider on or after **[60 DAYS]** (the Transfer Date). As a result of this transaction, Birch will assume responsibility for all services previously provided to you by Cleartel. Birch is excited about the opportunity to provide your phone service and looks forward to a long and successful business relationship.

Please rest assured, the transition will have little or no impact on your current services, nor will there be any interruption of your service. The agreement between Birch and CCI has been structured so that the transfer of service will be an almost seamless transition with only a minor change to voicemail services. You will retain all service rates, features, terms and conditions of service and your telephone phone number. You will not incur any charges for the transfer of services to Birch and **no action is required from you to continue your telecommunications service(s) with Birch**. You will receive your first billing statement from Birch starting with your _____ or _____ bill. As in the past, you are responsible for paying all bills rendered to you by Cleartel during the transition of service.

You have the right to select a different carrier for the telecommunications service(s) at issue. If you do not wish to receive service from Birch, you should select and contact an alternate carrier directly to make arrangements to complete the transfer of your service to the alternate carrier before **[30 Days]**. If you choose to switch to an alternate carrier for services, you may incur a fee for the transfer of services to that alternate carrier. In addition, should you have a term commitment with Cleartel and you disconnect services or transfer to another carrier prior to the end of that term, you will be liable for early termination charges. If you select a local telephone provider other than Birch, you should also contact your current long distance provider to ensure that your current long distance plan is not changed. Please note that if you are a customer of Cleartel on the Transfer Date, your account will automatically be transferred to Birch.

Please note that any preferred carrier "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer of your services to another carrier will be over-ridden for purposes of this transaction and will need to be reinstated by you by contacting your local exchange carrier after the transfer is complete.

If you have any questions about this transaction or your service or billing prior to the actual Transfer Date, you should contact the appropriate Cleartel entity at: **[STATE SPECIFIC ENTITIES]**

Cleartel & Telecon: 888-389-1400
nii: 866-388-6500

NOW: 888-565-1011

Payphone Customers: 866-660-5994

If you have any questions regarding this transaction or your service or billing after the actual Transfer Date, you should contact Birch at 888-275-0777 or 888-772-4724. (will be state specific)

About Birch Communications

Headquartered in Atlanta GA, Birch Communications is one of the largest competitive local exchange carriers in its 31-state southeast, southwest, midwest and northeast regions serving residential and business customers. Birch was the first in its class to deploy its own private IP network utilizing soft switch technology to deliver innovative, high quality, affordable voice and broadband communications services to small and medium business customers.

Cleartel thanks you for your business and Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

Cleartel Communications and
Birch Communications



TELECON



Cleartel

COMMUNICATIONS

DATE _____

Customers Name
Customers Address
City, State, Zipcode

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Cleartel thanks you for your business and Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

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Birch Communications



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Sincerely,

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Birch Communications



TELECOM



DATE

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